



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

FEB 11 2018

**GENERAL NOTICE/DEMAND LETTER**  
**URGENT LEGAL MATTER - PROMPT REPLY REQUESTED**  
**VIA CERTIFIED MAIL; RETURN RECEIPT**

D&C Westfork, LLC  
Attn: Mr. Robert Douglas  
P.O. Box 922460  
Norcross, GA 30010-2460

RE: General Notice/Demand for Payment  
Westfork Drum Dump Site "The Site" – Site ID: A4QB  
Lithia Springs, Georgia

Dear Mr. Douglas:

The purposes of this letter are as follows: First, to notify you of your potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9607(a), as amended, that you may have incurred with respect to the above-referenced Site; and second, to demand reimbursement of response costs that have been incurred at the above-referenced Site.

The United States Environmental Protection Agency (EPA) has documented a release or threatened release of hazardous substances, pollutants, or contaminants at the Site. EPA has spent public funds to investigate, monitor and/or control releases of hazardous substances or potential release of hazardous substances at the Site.

**SITE BACKGROUND**

The Site is located at 242 Westfork Court, Lithia Springs, Douglas County, Georgia. The dump site is in a wooded area along Westfork Ct. approximately one-eighth mile behind a large industrial park.

On June 7, 2007, Douglas County Water and Sewer Authority (WSA) workers spotted 8 drums along a bank behind an industrial park along Westfork Court. Upon inspection, the drums were found to contain product and a couple were leaking. WSA then reported the findings to the National Response Center and notified local EMA personnel. The next morning, EPA's On Scene Coordinator, Jeffrey Crowley, was dispatched to the Site to assess the condition of the drums and oversee their removal.



In a reconnaissance of the Site, 8 poly drums were discovered. The abandoned and unsecured drums were thought to contain waste materials and oil. A quick pH was conducted on a leaking drum and the pH level was found to be between 4 and 5. Another drum labeled "Boiler Water Treatment" was also leaking what appeared to be a petroleum product. The Georgia Environmental Protection Division (GAEPD) arrived on the scene and conducted their recon of the Site. Later that afternoon GAEPD informed the OSC that they did not have the resources to conduct the cleanup and requested EPA assistance in dealing with the drums. EPA contractors mobilized to the Site and removed the 8 drums from the woods where they were stabilized and hazcatted. The drums were then sent to EQ facilities for proper disposal.

### **NOTICE OF POTENTIAL LIABILITY**

Under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), potentially responsible parties (PRPs) may be held liable for all costs incurred by the United States Government (including interest) in responding to any release or threatened release of hazardous substances at the Site. Such costs may include, but are not limited to, expenditures for investigation, planning, response, oversight, and enforcement activities. In addition, PRPs may be required to pay for damages for injury to natural resources or their destruction or loss, together with the cost of assessing such damages.

PRPs under CERCLA include current and former owners and/or operators of the site, persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site or facility to which the hazardous substances were delivered. EPA has evaluated evidence in connection with its investigation of the Westfork Drum Dump Site and has determined that D&C Westfork, LLC is a PRP responsible for the release and/or threatened release as owner/operator of the Site at the time of EPA's response action.

### **DEMAND FOR PAYMENT**

In accordance with CERCLA, EPA has undertaken response actions at the Site and incurred costs. An itemized Superfund Cost Recovery Package Imaging and On-Line System (SCORPIOS) Report is attached as Enclosure A. The total response costs incurred at the Site by EPA through February 2, 2010, are approximately **\$15,564.81**. In accordance with Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), demand is hereby made for payment of the above amount.

Interest on past costs incurred shall accrue from the date of this demand for payment, pursuant to CERCLA Section 107(a), 42 U.S.C. § 9607(a). Interest rates are variable. The rate applicable on any unpaid amounts for any fiscal year is the same as is specified for interest on investments of the Hazardous Substance Superfund which is determined by the Department of Treasury. The current annual rate of interest on unpaid costs is 2.24%.

Remittance of past response costs shall be made **within thirty (30) calendar days** of your receipt of this letter in the form of a certified or cashier's check made payable to the "U.S. EPA Hazardous Substance Superfund" established pursuant to CERCLA in Title 26, Chapter 98 of the Internal Revenue Code. Your check should reference your name, the name of the Site (Westfork Drum Dump Site), and the Site ID Number (A4QB).

The remittance should be mailed to:

United States Environmental Protection Agency  
Superfund Payments – Region 4  
Cincinnati Finance Center  
PO Box 979076  
St. Louis, MO 63197-9000

You shall also send a copy of your check to Ms. Paula V. Painter at:

U.S. Environmental Protection Agency – Region 4  
Superfund Enforcement and Information Management Branch  
Superfund Division  
61 Forsyth Street, S.W.  
Atlanta, GA 30303

If you fail to respond to this demand within 30 days of your receipt of this letter, EPA will conclude that you have declined to reimburse the Hazardous Substance Superfund for Site expenditures. Consequently, EPA may pursue civil litigation against you, pursuant to CERCLA Section 107(a), 42 U.S.C. § 9606(a).

EPA strongly encourages you to give this matter immediate attention and to respond to this letter within the time specified above. Please direct any questions to Barbara Miles, Assistant Civil Investigator, at (404) 562-8869.

We appreciate and look forward to your prompt response to this matter.

Sincerely,



Anita L. Davis, Chief  
Superfund Enforcement and Information  
Management Branch

Enclosures: (A) SCORPIOS Report (2/2/2010)